

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Wayne A. LaFleche
Linda Ann LaFleche

Chapter 13
Case No. 18-30166
Honorable Elizabeth D. Katz

Debtors

Ditech Financial LLC a secured creditor in the above captioned Chapter 13 case, hereby objects to the confirmation of the Chapter 13 Plan filed by the Debtor on or about March 24, 2018. As grounds for its objection, Creditor states as follows:

1. On November 3, 2003, Wayne A. LaFleche and Linda A. LaFleche executed a note to GMAC Mortgage Corporation in the original principal amount of \$104,154.00 (the "Note"). The Note was subsequently endorsed in blank and transferred over to Creditor (assignee).
2. The Note is secured by a mortgage to Mortgage Electronic Registration Systems, Inc., dated November 3, 2003 and registered with the Hampden County Registry District of the Land Court as Document Number 154075 on Certificate No. 27180 (the "Mortgage"). The Mortgage was subsequently assigned to GMAC Mortgage, LLC by Assignment of Mortgage dated January 26, 2010 and registered with the Hampden County Registry District of the Land Court as Document No. 183363 on Certificate No. 27180. The Mortgage was subsequently assigned to Green Tree Servicing LLC by Assignment of Mortgage dated November 12, 2013 and registered with the Hampden County Registry District of the Land Court as Document No. 198408 on Certificate No. 27180.

3. The Mortgage is a first mortgage on real property owned by the Debtors known and numbered as 22 Woodlawn Street, Chicopee, MA 01020.
4. Ditech Financial LLC is the current holder of the Note and Mortgage.
5. Ditech Financial LLC services the loan.
6. The Debtors filed a voluntary petition seeking relief under Chapter 13 of the United States Bankruptcy Code on March 14, 2018.
7. On March 24, 2018, the Debtors filed a Chapter 13 Plan (the "Plan").
8. The Plan provides that the Debtors will maintain the current monthly payments pursuant to the Note and Mortgage to be paid directly to the Creditor, but only for the payment of \$12,320.00 in prepetition arrears through the Plan.
9. The Mortgage is in default with an approximate arrearage of \$15,657.76 and has an approximate unpaid principal balance of \$80,783.76. By the filing of its Objection to the Debtor's Plan, Creditor hereby sets forth its demand for payment and intent to hold the Debtor liable for the debt. The Proof of Claim bar date is May 23, 2018.
10. Creditor objects to confirmation of the Plan insofar as the Plan does not adequately provide for the payment of the prepetition arrears.

WHEREFORE, Ditech Financial LLC objects to confirmation of the Plan insofar as the Plan does not adequately provide for the secured claim. Creditor therefore requests that the Court deny confirmation of the Plan as currently proposed.

Ditech Financial LLC
By its attorneys,

Date: April 10, 2018

/s/Daniel Murphy
Daniel Murphy, Esq. 559440
Orlans PC
PO Box 540540
Waltham, MA 02454
(781) 790-7800
Email: bankruptcyNE@orlans.com
File Number: 18-004716